

Minutes of Special and Regular Meetings January 27, 2004

Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETING

CLOSED SESSION - 6:45 P.M.

A. Conference with Labor Negotiator, Jere Kersnar, pursuant to Government Code Section No. 54957.6

1. MMCEA

2. AFSCME

Attended by Councilmembers Warden, Feierbach, Mathewson, Bauer, Metropulos, City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Human Resources Director Dolan, IDEA Representative Lee Finney. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:22 P.M., this Closed Session was adjourned.

This meeting not tape recorded or videotaped.

Terri Cook

City Clerk

CALL TO ORDER - 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Bauer, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

Pledge of Allegiance

Led by City Clerk Cook.

REPORT ON CLOSED SESSION

Mayor Metropulos stated that direction was given but no action taken during the Closed Session held earlier in the evening.

SPECIAL PRESENTATIONS

Proclamation in Appreciation for Outstanding Public Service to Planning Commissioner Alicia Torre.

Mayor Metropulos presented outgoing Planning Commissioner Alicia Torre with a proclamation in recognition of her years of service to the community. Ms. Torre stated that being a commissioner had been a good experience for her, and that all the commissioners take their jobs seriously. She further stated that people are not always happy with the outcome, but that the commission is always fair and impartial.

Councilmember Mathewson presented Ms. Torre with a bouquet of flowers.

Proclamation proclaiming February 6, 2004, as the American Heart Association's "Go Red for Women" Day.

Mayor Metropulos read a proclamation in recognition of the American Heart Association's new campaign to draw attention to the incidence of heart disease in women. Kristin Buttress received the proclamation on behalf of the American Heart Association, and thanked the Mayor and the Council for helping to publicize the Heart Association's latest efforts on behalf of women's health. She encouraged everyone to wear red on February 6 to show his or her support for this issue.

Presentation by the San Mateo County Transportation Authority regarding Measure A.

Ian McAvoy, San Mateo County Transportation Authority, gave a history of San Mateo County's twenty-year half-cent sales tax, which passed in 1988. He stated that the Transportation Authority was created following its passage in order to implement the projects paid for by the tax. He noted that the authorization to extend the tax would appear as a ballot measure in November of 2004. He reviewed the key projects completed to date, including rail improvements, highway infrastructure, local street improvements, shuttle programs, and grade separations. He noted that by the end of the 20-year program, the City of Belmont will have received \$7.8 million in transit improvements. He clarified that in 1988, the tax required only a majority vote and

received approximately 55-60%, but the extension would require a two-thirds majority vote.

Mr. McAvoy stated that the Transit Authority was soliciting ideas from communities and individuals for additional projects should the tax be extended, and reviewed the process being used to gather this information.

Council and staff discussion ensued.

Councilmember Mathewson recommended that a large percentage of any new taxes be allocated for local and street projects.

Councilmember Feierbach stated that she would support additional infrastructure for cities.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Warden stated that the City had recently sponsored its first youth dance, and that over 200 attended. He congratulated Voices for decorating and chaperoning the dance. Mayor Metropulos stated that he checked in on the dance and thought it went well, and Councilmember Bauer stated that his daughter had attended, and had a good time.

Mayor Metropulos reported that 75-80 people attended the recent Economic Development Summit. He also stated that February 17, 2004, was the last day to register to vote for the March 2 election.

AGENDA AMENDMENTS

City Manager Kersnar stated that staff needed direction from Council regarding the status of Commission vacancies, and requested that the Council add this item to the agenda. He clarified that this would require a super-majority vote of the Council.

Action: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, and approved by a unanimous show of hands, to add "Discussion and Direction on Commission Vacancies" to the agenda, to be considered under "New Business".

CONSENT CALENDAR

Motion to waive reading of Ordinances.

Acceptance of Written Communication 1) Received January 14, 2004, Before the Public Utilities Commission, Order Instituting Rulemaking for Electric Distribution Facility Standard Setting, Case No. R. 96-11-04; 2) Letter dated January 14, 2004, from Southern California Water Company Re G.O. 166 for Southern California Water Company; 3) Notice of Application for an Electric Rate Increase for Replacement of Generators at the Diablo Canyon Nuclear Power Plant.

Approval of Ordinance 996 amending Section 13 (Design Review) and establish Section 13A Single Family and Duplex Residential Design Review of the Belmont Zoning Ordinance (Ord. 360), second reading and adoption.

Action: On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the Consent Calendar was unanimously approved by a show of hands.

HEARINGS

Public Hearing to Amend the Uniform Franchise Agreement with BFI Waste Systems of North America Inc. to Authorize the Commercial Food Recycling Incentive Program.

Kathleen Phalen, City Engineer, stated that the purpose of this amendment was to implement a food/organic material recycling program for commercial accounts such as restaurants and grocery stores, which should improve recycling rates in Belmont. She stated that BFI would implement the program, which has been successful in other cities. She clarified that there was a cost to add this program, and a 30 percent discount in rates was recommended as an incentive for participation. She added that the costs associated would be allocated to all commercial accounts, but not to residents.

City Engineer Phalen noted that the overall recycling diversion rate was dropping in Belmont, which was reflective of costs and economic factors. She also noted that while residential recycling was relatively high, commercial accounts were well below 20 percent.

Joe Mariano, Recycling Director, BFI Industries, described the organic recycling program, and stated that the intent was to implement by the fall. He described the success of a similar program he implemented in San Francisco, and noted that the goal for Belmont would be to include 250-350 businesses, for a target amount of 11,000 tons of recycled material per year.

In response to Councilmember Bauer, Mr. Mariano described the 90-day process used to recycle biodegradable organic material. He stated that one ton of waste will yield

one cubic yard of compost material. He noted that the finished compost will be made available to individuals in the participating communities, and would also be available for purchase by others.

In response to Councilmember Warden regarding costs, Mr. Mariano explained that rates will increase as a result of the implementation of this program, but those participating will likely reduce the amount of non-recycled trash. He clarified that this may still result in a net increase to commercial accounts, but could also result in a discount, depending upon the level of participation. He noted that some facilities may have space constraints for the extra recycling bins required, and that the business needs to be receptive to the program in order for it to be successful.

In response to Councilmember Mathewson, Mr. Mariano stated that the cities of San Mateo, Atherton, Hillsborough, and the unincorporated area of Fair Oaks have taken action to participate in the program so far, and that BFI was seeking others to include.

Bob Hilton, Hilton, Farnkoff & Hopson Consultants, described the calculations for the rate structure, and clarified that the costs could be imposed on residents, but was not recommended. He clarified that the Belmont residential community has done a good job in recycling, but the commercial accounts have not.

Mayor Metropulos opened the Public Hearing. No one requested to speak.

Action: On a motion made by Councilmember Mathewson, seconded by Councilmember Warden, the Public Hearing was unanimously closed by a show of hands.

Action: On a motion made by Councilmember Warden, seconded by Councilmember Mathewson, Resolution 9503, Amending the Uniform Franchise Agreement with BFI Waste Systems of North America Inc. to Authorize the Commercial Food Recycling Incentive Program was unanimously approved by a show of hands.

OLD BUSINESS

Resolution making appointments to the Planning Commission for terms to expire on March 1, 2005

Council discussion ensued regarding the number of votes necessary for appointment, and concurred that three votes would be required.

City Clerk Cook distributed the ballots to the Councilmembers.

City Manager Kersnar stated that the results of the ballot were as follows: Jacki Horton, 5 votes; Christine Wozniak, 3 votes; Brian Korn, 1 vote; Tom Peirona, 1 vote. Joe Dermenjian, Don McKenzie, and Alan Slepoy did not receive any votes.

Action: On motion by Councilmember Warden, seconded by Councilmember Mathewson, and approved unanimously, by show of hands, to adopt:

Resolution No. 9504 making appointments to the Planning Commission for terms expiring on the first day of March, 2005 (**Horton, Wozniak**).

Mayor Metropulos thanked all the candidates for applying.

RECESS: 8:45 P.M.

RECONVENE: 8:50 P.M.

NEW BUSINESS

Discussion of the Repair and Maintenance of Sidewalks and Direction on the Development of a Sidewalk Policy

Public Works Director Davis stated that Belmont's current sidewalk policy requires adjacent property owners to be responsible for repair and maintenance of the sidewalk. He stated that policies in other cities vary greatly, but that the trend is for the adjacent property owners to be 100 percent responsible. He said that courts have held cities liable for tripping hazards caused by sidewalks, and noted these conditions also present ADA (Americans with Disabilities Act) issues. He stated that complete compliance is a hardship for cities.

Public Works Director Davis reviewed the details of the options Council could consider for a sidewalk policy.

Council and staff discussion ensued.

In response to a question regarding pavers, which are required in the downtown area, Public Works Director Davis stated that in order to repair this type of sidewalk, the entire paver would need to be replaced. He also responded that sidewalks are listed as an asset for our GASB (Government Accounting Standards Board) requirements. He noted that a majority of sidewalks have been installed by adjacent property owners.

Councilmember Warden stated that he wants to support business, and that it does not seem equitable to assess adjacent property owners. City Manager Kersnar stated that

using City resources to pay for sidewalk repairs and replacement would deplete an account that is already experiencing a deficit.

Councilmember Feierbach noted that all City funding has been tightened across the board. She recommended that Redevelopment (RDA) money be used for sidewalks, and that businesses should be treated separately from residences.

Councilmember Warden stated that very little façade improvement monies have been used from Redevelopment, and perhaps some of those monies could be earmarked for sidewalks.

Mayor Metropulos stated that he agreed with Councilmember Feierbach that businesses should be considered separately.

Councilmember Mathewson stated that this is an issue that could have been considered by a public works commission, if Belmont had one in place.

Council direction was given for staff to consider the use of RDA funding for sidewalk improvements in the RDA area. Councilmember Warden also requested information regarding sidewalk costs per linear foot, including depreciation.

DISCUSSION AND DIRECTION ON COMMISSION VACANCIES (Item added under Agenda Amendments)

City Manager Kersnar stated that the deadline for application to the Parks and Recreation, Arts, and Finance Commissions had ended the previous Friday, but yielded only a small pool of candidates. He recommended the Council consider extending the deadline. He noted that two of the incumbent commissioners had notified the City Clerk's office of their intent to reapply after the deadline had passed.

In response to Council questions, City Clerk Cook stated that there was minor cost for newspaper display advertising, but little or no cost for other methods such as press releases, Twin Pines Park reader board notification, and notification through the neighborhood associations.

Action: Councilmember Warden made a motion, seconded by Councilmember Bauer, to extend the application deadline and accept the late submissions.

Action: Councilmember Feierbach made a motion, seconded by Councilmember Mathewson, to amend the original motion to include the requirement that incumbents who missed the deadline re-notify the City Clerk of their intent to reapply. Councilmember Warden accepted the amendment to the original motion.

Action: On the original motion, as amended, and approved unanimously by a show of hands, to extend the commission application deadline to a date to be determined by the City Clerk, with the requirement that late incumbents reapply.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Police Department/City Hall Project Monthly Update.

Assistant City Manager Rich reviewed the progress made to date on the City Hall project. He stated that \$1.6 million had been expended as of December 31, 2003, which included mostly architectural and other professional fees. He noted that there were no change orders. In response to Council questions, he clarified that the monies had been expended from different sources, and that expenditures for the police facility portion of the project is usually made from RDA monies.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and direction regarding consideration of establishing a Public Works Commission (Mathewson).

Councilmember Mathewson stated that the Council had dealt with a number of infrastructure issues such as sidewalks, streets, and traffic calming during the past year. He commented that public input at the early stages of issues can alleviate problems, and a commission could free up Council time. He noted that Councilmembers are not experts, and that a public works commission could be comprised of technical experts. He stated that a public works commission could recommend policies on a variety of topics. He added that he had attended Public Works Commission meetings in San Mateo, and had spoken to commissioners and Councilmembers in that city who agree that the commission adds value.

City Manager Kersnar reviewed the process to add this item to the priority calendar, which was scheduled to be reviewed in March. He clarified that if the Council wanted to consider this item ahead of that schedule, four votes would be required.

Councilmember Warden stated that he was concerned about the burden of another commission on staff time, that San Mateo has many more commissions than Belmont, and that he does not feel there is a need.

Councilmember Feierbach stated that she would support the exploration of the concept, and also expressed her concerns regarding staff burden.

Councilmember Bauer stated that this is not an urgent matter, and that it a balance of benefit, burden, and cost. He also stated that some of the issues outlined by Councilmember Mathewson are issues that should be dealt with by the Council, not a commission.

Mayor Metropulos stated that he supports the concept of the commission to alleviate Council time, but does not see this as an urgent item.

Action: On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, to add Establishment of a Public Works Commission as an urgency item to the Council Priority Calendar. Motion failed by a vote of 2-3 (Bauer, Warden, Metropulos, no).

Action: On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, to add "Establishment of a Public Works Commission" to the Council Priority Calendar for future consideration, was unanimously approved by a show of hands.

Discussion and direction regarding amendments to Noise Ordinance (Feierbach).

Councilmember Feierbach stated that she would like to add an item to the Priority Calendar to deal with non-construction noise issues. She stated that she had reviewed models from other cities.

In response to Council questions, City Manager Kersnar stated that enforcement of noise problems as a disturbing the peace issue is difficult to enforce, and that there may be other mechanisms available to use instead.

Action: On a motion by Councilmember Feierbach, seconded by Councilmember Warden, to add "Consideration of Amendments to Noise Ordinance" to the Council Priority Calendar for future consideration, was unanimously approved by a show of hands.

Update and Discussion of "Rise and Shine" Task Force (Warden).

Councilmember Warden stated that a small task force had been formed with the Chamber of Commerce to deal with code enforcement issues in the business community. He clarified that he was seeking up to 20 hours of staff time to educate the Chamber on code enforcement, the façade improvement program, and other issues that could be incorporated into a future brochure. He clarified that this was not a policy change, and that the goal was education.

Action: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, to approve up to 20 hours of staff time to meet with the Chamber of Commerce regarding code enforcement education, was unanimously approved by a show of hands.

ADJOURNMENT at this time, being 10:00 P.M.

Terri Cook

City Clerk

Meeting Tape Recorded & Videotaped

Tape #570